

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

MDL No. 3084

This Order Relates To:

*ALL ACTIONS*

**AMENDED ORDER APPOINTING  
HONORABLE BARBARA S. JONES  
(RET.) AS MASTER**

On February 3, 2025, the Court notified the parties of its intention to appoint the Honorable Barbara S. Jones (Ret.) as a Master to conduct a review of privilege logs and documents relating to the assertion of attorney client and work product privileges in this MDL. Dkt. No. 2204. Uber objected to her appointment on the basis that a “California-experienced jurist” would be better suited; Plaintiffs did not object. Dkt. No. 2275. The Court overruled Uber’s objection in an order appointing Judge Jones. Dkt. No. 2289. This Order now amends Judge Jones’s appointment.

Judge Jones has informed the Court that she is willing to accept this appointment and has filed an affidavit stating that there are no grounds for disqualification. Dkt. No. 2299. The Court is not aware of any grounds for her disqualification. Accordingly, pursuant to Federal Rule of Civil Procedure 53, the Court APPOINTS Judge Jones as Master.

The Clerk shall add Judge Jones as a filer on the Court’s Electronic Case Filing system (“ECF”), at barbara.jones@bracewell.com, and the Clerk shall electronically serve

1 this order on Judge Jones.

## 2 **I. BASIS FOR APPOINTMENT**

3 1. Appointment. The Court appoints the Honorable Barbara S. Jones (Ret.) as a  
4 Master to assist the Court in this litigation pursuant to Rule 53(a)(1) to “perform duties  
5 consented to by the parties,” Fed. R. Civ. P. 53(a)(1)(A), and to “address pretrial matters  
6 that cannot be effectively and timely addressed by an available district judge or magistrate  
7 judge of the district,” Fed. R. Civ. P. 53(a)(1)(C).

8 2. No Grounds for Disqualification. On February 7, 2025, pursuant to Rule  
9 53(a)(2) and 53(b)(3), Judge Jones filed an affidavit that states that she has no  
10 “relationship to the parties, attorneys, action or court that would require disqualification of  
11 a judge under 28 U.S.C. § 455[.]” See Fed. R. Civ. P. 53(a)(2). If during Judge Jones’s  
12 tenure as Master, she or the parties become aware of any potential grounds for  
13 disqualification, they shall notify the Court immediately.

14 3. Fairness Considerations. Pursuant to Rule 53(a)(3), the Court has considered  
15 the fairness of imposing the likely expenses of the Master on the parties. The Court  
16 believes that the appointment and use of the Master will materially advance the litigation,  
17 thereby achieving considerable cost-saving to all parties. The Master will work with the  
18 parties to minimize the time and expense related to proceedings before the Master.

19 4. Proper Notice Given to All Parties. Pursuant to Rule 53(b)(1), on February  
20 3, 2025, the Court gave all parties to these proceedings notice of its intent to appoint the  
21 Master and provided the parties until February 5, 2025, to object to the appointment, and  
22 until February 6, 2025, to propose potential alternates. As discussed above, Plaintiffs did  
23 not object to Judge Jones’s appointment, and Uber’s objection has been heard and  
24 overruled.

## 25 **II. MASTER’S DUTIES, SCOPE OF AUTHORITY, AND COMPENSATION**

26 5. Diligence. Pursuant to Rule 53(b)(2), the Court hereby directs the Master to  
27 proceed with all reasonable diligence in performing her duties in these proceedings.

28 6. Scope of Master’s Duties. Pursuant to Rule 53(b)(2)(A), the Master shall

1 assist the Court with all disputes relating to privilege logs and the assertion of attorney  
2 client and work product privileges in this MDL, as well as deal with any other matters at  
3 the Court's direction. The Master shall have the authority to set the date, time and place  
4 for all hearings, to preside over hearings, to take evidence, to conduct telephonic  
5 conferences to resolve disputes arising during depositions, and to issue orders awarding  
6 non-contempt sanctions, including, without limitation, the award of attorneys' fees, as  
7 provided by Rules 37 and 45. The Master may recommend a contempt sanction against a  
8 party and sanctions against a nonparty as provided in Rule 53(c)(2). The Master is  
9 authorized to receive and consider information designated as CONFIDENTIAL and  
10 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY confidential pursuant to the  
11 protective order entered in this matter, as well as information previously submitted to the  
12 Magistrate Judge or submitted directly to the Master for in camera review. See Dkt. No.  
13 176. The Master has agreed to be bound by the protective order.

14 7. Scope of Master's Authority. The Master shall have the authority provided  
15 in Rule 53(c) and 53(d).

16 8. Procedure for Motions Submitted to the Master. The procedural  
17 requirements contained in the Court's standing order on all civil cases shall govern any  
18 motion practice before the Master.

19 9. Ex Parte Communications. Pursuant to Rule 53(b)(2)(B), the Master may  
20 communicate ex parte with the Court at any time. The Master shall not communicate ex  
21 parte with any party without first providing notice to, and receiving consent from, the  
22 Plaintiff's Steering Committee and Defendants' counsel.

23 10. Preservation of Materials and Preparation of Record. Pursuant to Rule  
24 53(b)(2)(C), the Master shall maintain orderly files consisting of all documents submitted  
25 to her by the parties and of any of her written orders, findings, and/or recommendations.  
26 Pursuant to Rule 53(d), the Master shall file any written orders, findings, and/or  
27 recommendations with the Court via ECF. Such filing shall fulfill the Master's duty to  
28 serve her orders on the parties. Any records of the Master's activities other than written

orders, findings, and/or recommendations shall be filed in accordance with paragraph 15.

11. Compensation. The procedures for establishing and paying the Master's compensation and expenses shall be determined in a later order. Within one week of this Order, the Master and counsel for the parties shall confer on this issue, and the Master shall submit a proposal for the Court's approval as to the procedures for paying the Master's compensation and expenses.

12. Master's Reports to Court. Pursuant to Rule 53(d), the Master shall issue orders on motions presented to her which shall be final and not require the Court's signature, subject to the parties' right to file objections as described below. If the Master considers it advisable to make a report to the Court, she shall do so in accordance with Rule 53(e).

### **III. ACTION ON MASTER'S ORDERS, REPORTS, OR RECOMMENDATIONS**

13. Scope of Section. Pursuant to Rule 53(b)(2)(D) and 53(f), the procedures described in paragraphs 14 through 17 herein shall govern any action on the Master's orders, reports, and/or recommendations.

14. Time Limits for Review. Any party wishing to file objections to or a motion to adopt or modify the Master's orders, reports, and/or recommendations must file such objections or motion with the Court within 5 days from the day the Master filed the order, report, and/or recommendation via ECF. Any order issued by the Master shall remain in effect pending any such objection or motion.

15. Filing the Record for Review. The party filing the objection or motion shall submit with such objection or motion any record necessary for the Court to review the Master's order, report, and/or recommendation, including any transcripts of proceedings before the Master and any submitted by the parties in connection with the Master's order, report, and/or recommendation. Failure to provide the record shall constitute grounds for the Court to overrule the objection or deny the motion.

16. Standard for the Court's Review. Pursuant to Rule 53(f)(3)-(5), the Court shall review findings of fact made or recommended by the Master for clear error. The

1 Court shall review de novo any conclusions of law made or recommended by the Master.  
2 The Court will set aside the Master's ruling on a procedural matter only for an abuse of  
3 discretion.

4 17. Court's Actions on Master's Orders. Pursuant to Rule 53(f)(1), in acting on  
5 an order, report, or recommendation of the Master, the Court shall afford the parties an  
6 opportunity to present their positions and, in its discretion, may receive evidence, and may  
7 adopt or affirm; modify; wholly or partly reject or reverse; resubmit to the Master with  
8 instructions; or make any further orders it deems appropriate.

9  
10 **IT IS SO ORDERED.**

11 Dated: February 7, 2025



12 CHARLES R. BREYER  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28